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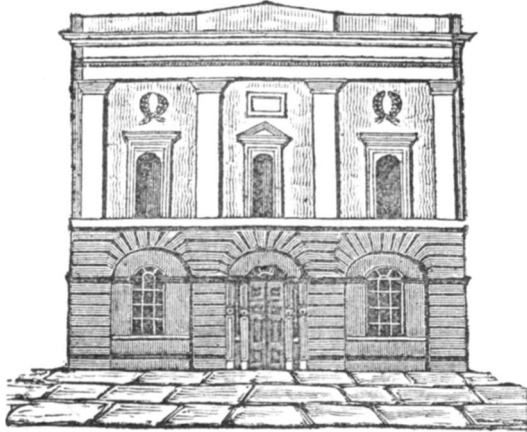
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ments, on the basement story, and one octagonal gallery, judiciously lighted by a spacious lantern, on the story above. This gallery is forty feet long by thirty feet wide, and nineteen feet high to the cove.



The Institution is chiefly supported by the subscription of its members, aided by the receipts of the exhibitions, of which there has been eight since the foundation. That such exhibitions, by familiarizing the public eye with the finest specimens of art of preceding times which the country possesses, are equally gratifying and useful, cannot admit of a doubt; it is therefore greatly to be regretted, that latterly they do not receive the attention from the public they so well deserve. P.

A JUDGE PUZZLED.

Some thirty or forty years ago, it happened that at an assizes held in Armagh, the gentlemen of the long robe not having much to do, agreed to invent a case for the purpose of amusing themselves, and puzzling Judge H—, who was not considered one of the most profound lawyers of his day. An eminent barrister stated the case, by which it appeared that the plaintiff and defendant (who were brothers) were jointly possessed of a sheep; but not being able to agree about sheering it, the plaintiff shorn one half, (a hind and fore quarter,) and then turned it out as usual to graze on the common: but unfortunately, that very night it was caught in a hedge by the wool on the unshorn side, and then and there being worried by the dogs, in consequence thereof it died, on which the plaintiff brought an action of trespass against the defendant, by whose neglect in not sheering his side, the animal's death was occasioned.

"My lord," exclaimed the plaintiff's counsel, "this is an action of trespass, as my young friend has told you who opened the pleadings. The defendant has pleaded the general issue, not guilty, but I think your lordship and the jury will say, when you have heard the facts, that both in law and justice he has been guilty of a gross and unfraternal trespass. My lord, my client was a joint tenant with the defendant. The joint property was a sheep of uncommon size and fatness, a sheep of no ordinary promise; and in order to improve the animal's health and promote its comfort, my client proposed that it should be shorn. His unkind brother, the defendant, instead of assenting to and assisting at the operation, cruelly refused. Now, my lord, he had a clear right, in order to benefit the joint property, to see to it that the shears were applied. My client, solely with a view to improve the joint estate, sheared one side, and it was incumbent on the defendant to complete the process. He neglected to do so—he failed in completing the denudation of the sheep—and his neglect and failure caused the total loss and destruction of the joint property. Now, your lordship knows—what young tyro does not know?—that it is a well-ascertained principle of law that where a joint tenant is the cause of the destruction of the joint estate, he is liable in trespass. As to my client's right to shear one half, I have ample authorities in those blue-covered vehicles of modern judicial wisdom

with which English booksellers and bookmakers inundate the profession. But as I know that your lordship is more deeply read in the more ancient and sounder learning of the earlier reporters, I will refer to the famous Bullock case reported in 47. Co. 584. There a Bullock which had an inveterate habit of horning—endangering the lives of his Majesty's subjects, was the property of two joint tenants. One cut off the right hand horn, and called on the other to cut off the left, which the latter refused. The bullock still continued to do mischief with the remaining horn, and was shot by some person he had injured. Trespass was brought by the joint tenant who had cut off the horn against him who would not cut off the other; and it was held, after much time taken by the Court to consider, that it was well brought, because the plaintiff had a right to cut off a horn to induce the defendant to cut off the other, and thereby increase the value of the property, as no one doubteth that a peaceable bullock is better than a horning bullock; and the defendant, by not cutting off the remaining horn, was the cause of the animal's being shot and the joint property destroyed. Your Lordship sees this is quite conclusive, for I protest I cannot perceive any difference between the horns in the one case and the fleece in the other. And then taking the law to be with me, I ask the other side if there was anything objectionable in the conduct of my client? Did he not, with scrupulous honesty, shear his own side, and nothing but his side? Did he not, with all the kindness which one brother should exercise towards another, declare that he wanted nothing but his due? There were no hostile messages. There were no threats of defiance. There were no expressions of scorn and contempt. No, my lord. He just stripped the animal of that portion of its superfluous clothing which in law and equity belonged to him, and then turned it out, that with bleating cries and imploring looks it might solicit its other proprietor to take the other portion, and thus restore the dumb brute to its centre of gravity. But no attention was paid to it by the careless and unfeeling man. Night drew on. Still the animal was to be seen wandering up and down, sraggy on the one side, and shorn on the other. Darkness enveloped it. The cold blast swept across the plain. It drew near a thicket for shelter and protection, but which only stretched its arms, like many a faithless friend, to ensnare and deceive. It was caught by the unshorn side. Those savage dogs which roam about the fields found it there entangled, and with the cowardice of nocturnal ruffians destroyed it. I am sure I need not say another word to convince your lordship that my client is entitled to a verdict in his favour."

"My lord," said the counsel for the defendant, "in order to save the valuable time of the court, we will admit the case as stated, without obliging the plaintiff to call witnesses. This action has been entirely misconceived. My client is, as your Lordship sees, but a joint tenant with the plaintiff; they are seized "per ym et per tout." There is, as your Lordship knows, a unity of possession, and, as the great Littleton very intelligibly says, the section, no doubt your Lordship is well acquainted with, "each is seized by every parcel and by the whole." Now if that be so, (and who can doubt the authority,) until there was a regular legal partition of the wool, it was an act altogether tortuous in the plaintiff to shear the sheep at all. And as to my friends talk about the necessity of sheering for the comfort of the sheep, I think I see by the smile upon your Lordship's face, that you think it was more for the comfort of the plaintiff's own feet in having stockings made for the winter than for the relief of the poor animal, or the improvement of its condition. What right had he to take one lock of the fleece in which my client was jointly interested, and then require him to shear the part that was left unshorn, when every spinning-wheel in his possession had employment for a month. My Lord, I, as well as my learned friend, have authority to support my view of the case. Roll. ab. pl. 59, cited in Shepherd Touchstone, which in all sheep cases your Lordship knows must be of good authority. A and B were joint tenants of a lamb. The Dog of A caught part of the hoof of the little animal and brutally tore it from the other. B brought trespass; and it was held by the Court hesitating Slowman J. that it could not lie, because the parties were joint tenants;

and although there was a natural partition, there was no legal partition of the hoof as long as the joint tenancy continued. My Lords, I may say with that erudite and poetic author who has so laudably endeavoured to relieve the severity of our noble science by calling the muse to his aid, and dressing in the garb of verse the abstrusities of law—an author whom I take this public opportunity of recommending to the profession,

The cases in the book are plenty,
I could beg leave to quote you twenty.
Some special verdicts and demurrers,
From Durnford, Bosanquet and Burrows.
Some late decisions of the Courts
In point, my Lord, from Term reports,
All books for solid information,
Held in the highest estimation.

But if this action can be maintained, and under your Lordship's direction the jury find against my client, what damages can be assessed? who really has been damnified? The plaintiff cut away the wool, over which he had no distinct or ascertained right, and he made money of that wool; the remainder, by the worrying of the dogs and the tearing of the bushes has been rendered useless; and the carcase, not being properly blooded, was of service to neither, and the benefit, if any, has flowed to the plaintiff. And as to the point that we have been the cause of the destruction, this is an absurd assertion, and if not exceedingly vicious, would be exceedingly ludicrous. Who, I ask you, my Lord, was indeed the cause of the destruction of the sheep? True, the sheep is dead, but what caused its death? It lived when it was wholly unshorn, but it died when deprived of a portion of its wool. Well, and does not the guilt of its death fall on the head of the cruel greedy man, who, impatient for the paltry proceeds of a few pounds of wool, so disfigured the modest and timid beast, that it fled to the thicket to hide its nakedness. Have brutes no sensibility? Are we not all aware that many of them have an instinct rising up to reason? Yes, we have an instance of it here, for the poor creature, not insensate to its ludicrous appearance, fled to the thicket, like those ambassadors of the olden time, who when the enemy in mockery sheared off one half of those venerable pendant ornaments which in those days (guiltless of razors!) hung from the chin, tarried at a frontier town till their beards were grown. The animal, my lord, was ashamed of itself. And the dogs, so far from deserving the unworthy epithet of *savage*, acted like honest and faithful guardians, and perceiving on the premises some "gorgon or chimera dire," they screwed up their courage to the sticking point, and with one rush destroyed it!"

Ingenuous were the arguments, and touching and forcible the eloquence on both sides, until finding his Lordship completely bewildered—

Both lovingly agreed, at once, to draw
A special case, and save the point in law;
That so the battle, neither lost nor won,
Continued, ended, and again begun,
Might still survive, and other suits succeed
For future heroes of the gown to lead.

ABBOT OF BANGOR'S SEAL.

The ancient brazen Seal, of which an impression is represented in the annexed engraving, was found in the ruins of Saul Abbey, in the County of Down, and is now in the possession of Mr. James Underwood of Sandymount, who has an interesting collection of Irish antiquities.

It represents the statue of an Abbot—St. Comgall—standing in a niche of pointed or gothic architecture; his left hand holding the crozier or pastoral staff, and his right raised in the act of giving the benediction. On a shield or tablet below, are the arms of the Abbot to whom the seal belonged; and outside the device, the following abbreviated inscription, in the monkish letter of the 14th century:—

"*S. R. Patris Johannis Kenedy Abbis de Bangor.*"

Sigillum Rev. Patris Johannis Kenedy, Abbatis de Bangor.
—The Seal of the Rev. Father John Kenedy, Abbot of Bangor.



As our histories have not preserved the names of the Abbots of this great Monastery during the 14th and 15th centuries, we cannot accurately ascertain at what period this Abbot flourished, but the style of architecture, and the letters on the seal unquestionably belong to those ages; and this seal, like that of a Dean of Clonmacnoise, given in a former number, preserves a fact to our local histories which would otherwise have been lost.

The Abbey of Bangor was founded by St. Comgall in the 6th century, and was one of the most celebrated institutions of its kind in Ireland. P

NATIONAL BIOGRAPHY.

No. 3.

ANTHONY MALONE.

On the 5th of December, in the year 1700, was born Anthony Malone, a man who would have been an ornament of his profession and his country, even though he had not lived at a period of her history when distinguished talents, if united with integrity of conduct, were regarded by those in power with jealousy and fear.

If most of the celebrated men of Ireland have been but the naturalized descendants of her conquerors, she may at least claim an undivided title to the family of Malone. It is a branch of that of O'Connor; and it is a remarkable fact, in a country where continued disturbances have led to such frequent and extensive forfeitures of inheritances, that the lands originally granted by the king of that name to the founder of this family, about the close of the 11th century, have continued to this day in the possession of his descendants. More than one distinguished man of this family lived during the last century, amongst whom the most eminent were Richard Malone, who died in 1744-5; and his son Anthony, the subject of the present notice—the only lawyer of the time who rivalled his father in legal attainments, and was thought by many to have surpassed him. He was admitted a gentleman commoner of Christ Church, Oxford, in the year 1720; and in 1726 was called to the Irish Bar, where he continued to practise for 50 years, the brightest ornament of his profession. In 1727, he was elected representative for the county Westmeath, which he continued to represent to the time of his death, except during the period which elapsed from the death of Geo. II. in 1760, to the election in 1768. In 1740, he was appointed his Majesty's Prime Sergeant at Law, at that time the highest office in his profession, and which he lost in January 1754, because he warmly supported, in the House of Commons, their right to dispose, without the previous consent of the crown, of the *unappropriated surplus* of revenue raised by act of Parliament—a right which it is surprising that it should ever have been questioned, but which would create much more astonishment should there ever again be occasion for its exercise. Under the Duke of Bedford's government, in